

ENTERED

January 04, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

§

VS.

§

CRIMINAL ACTION NO. 2:12-CR-745

JERAME CRUZ

§

ORDER

Jerame Cruz filed a motion for a copy of his sentencing transcript at government expense. (D.E. 73). The motion is denied.

Cruz was convicted of conspiracy to possess with intent to distribute more than 50 grams of methamphetamine. He was sentenced on August 30, 2013, to 120 months imprisonment. (D.E. 52). During the proceedings, Cruz qualified for appointed counsel. (D.E. 3). Cruz filed a motion to vacate, set-aside or correct sentence pursuant to 28 U.S.C. § 2255. This Court denied the motion by Memorandum Opinion and Order and final judgment in July 2015. (D.E. 71, 72). Cruz did not appeal and the time to do so has passed.

An indigent defendant has a statutory right to free court documents in particular circumstances. *See* 28 U.S.C. § 753(f); *United States v. MacCollum*, 426 U.S. 317 (1976). The defendant must establish that the documents are needed to decide an issue in a pending suit and that the suit is not frivolous. 28 U.S.C. § 753(f). Because Cruz has nothing before the Court at this time, other than his request for a transcript, he does not qualify for documents at government expense.

The Court DENIES Cruz's motion (D.E. 73). The Court instructs the Clerk to inform him of the cost of the transcript he seeks should he wish to order it at his own expense.

ORDERED this 4th day of January, 2016.



NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE